

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

UNITED STATES OF AMERICA *
VS. * CASE NO.: 1:06MJ47-CSC
MICHAEL SHAWN CAMPBELL *

GOVERNMENT	<u>APPEARANCES:</u>	DEFENDANT
Atty. K. David Cooke Mr. Ron Thweatt, USPTS/USPO	* Atty. Jennifer Hart * Atty. Kevin Butler	

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson

NON-JURY TRIAL OTHER PROCEEDINGS **DETENTION HEARING/PRELIMINARY HEARING**

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
Description	Detention/Preliminary - 06mj47-CSC		
Date	5 /23/2006	Location	Courtroom 4B
Time	Speaker	Note	
3 :29:28 PM	Court	Court convenes; Parties present as noted;	
3 :29:51 PM	Atty. Cooke	Government calls Michael Gavin, Agent for FBI, witness is sworn and seated; Discussions as to the gun charge against defendant Discussions regarding illegal drugs provided by deft to a Mr. Whigan; Discussions as to the monitored phone calls;	
3 :41:02 PM	Atty. Hart	Cross Examination; Discussions as to tape recorded conversations; Request to tape recorded conversation be produced by the government;	
3 :42:43 PM	Atty. Cooke	They are presently being transcribed;	
3 :42:50 PM	Court	Do you need them for the purpose of this hearing today;	
3 :42:50 PM	Atty. Hart	Response - May need them; Cont'd cross - examination; Discussions as to criminal history of Joshua Whigan; Request to invoke the Rule at this point and ask that witnesses be excused;	
3 :47:33 PM	Court	Witness to testify are excused from the courtroom;	
3 :47:44 PM	Atty. Butler	Request that Officer Ingram,	
3 :47:51 PM	Atty. Hart	Tracey McCord, Tiffany Campbell, Patrick Davenport, Josh Whigan;	
3 :47:58 PM	Atty. Butler	All be excused;	
3 :48:01 PM	Atty. Hart	Continued cross - examination;	
3 :48:04 PM	Atty. Cooke	I may call the probation officer;	
3 :48:15 PM	Atty Hart	Have no objection to him remaining in the courtroom;	
3 :48:22 PM	Atty. Hart	Cont'd cross - examination;	
3 :53:18 PM	Court	Addresses difficulty following the questions ask regarding probable cause ;	
3 :53:38 PM	Atty. Hart	Response; Discussions of evidence of drug transaction;	
3 :53:53 PM	Court	Client admitted it;	
3 :54:01 PM	Atty. Hart	Response;	
3 :54:53 PM	Court	Response regarding clients admissions;	
3 :55:06 PM	Atty. Hart	Response;	
3 :55:44 PM	Court	Get to the point;	
3 :55:52 PM	Atty. Hart	Cont'd cross - examination; Request to hear tapes;	
4 :06:30 PM	Atty. Cooke	Will provide them in a timely manner ;	
4 :06:40 PM	Court	A timely manner is when a witness testifies; Let's continue on with the proceedings today, will continue on tomorrow if necessary;	
4 :07:01 PM	Atty. Hart	Cont'd cross - examination;	
4 :10:35 PM	Court	Witness is excused;	
4 :10:45 PM	Atty. Cooke	Calls Ron Thweatt, USPO; witness is sworn and seated; Discussions as to the pretrial service report;	
4 :12:10 PM	Atty. Hart	Cross - examination; Discussions as to the recommendation of the pretrial service officer;	
4 :16:32 PM	Court	Witness is excused ;	

4 :16:40 PM	Court	Discussions as to whether the presumption of detention applies in this case; Discussion as to the amount of cocaine;
4 :16:59 PM	Atty. Hart	Response;
4 :17:13 PM	Court	Response as to statute says the maximum punishment is 10 yrs or more ;
4 :17:36 PM	Atty. Hart	Response;
4 :18:06 PM	Court	Witness is excused;
4 :18:54 PM	Court	Will take break to see another deft; on initial appearance;
4 :19:16 PM	Court	Court is Recessed;
4 :32:36 PM	Court	Court Reconvenes;
4 :32:43 PM	Atty. Hart	Request side bar;
4 :42:58 PM	Atty. Hart	Deft waives any further proceedings; Prepared to notice our intent to change plea before a magistrate judge;
4 :43:09 PM	Court	Response as to parties agreement to work out;
4 :43:29 PM	Atty. Butler	Addresses the court as to plea negotiations;
4 :43:43 PM	Court	Deft is remanded to custody of the USMS;